REMARKS

CLAIM OBJECTION

The Examiner objected to claim 10 based on a perceived informality. See *Office Action*, 2. The Examiner suggested that "the cached information" referred to in claim 10 be amended to read "the information cached." The Applicants have amended claim 10 accordingly and submit that the claim objection is overcome. The Applicants thank the Examiner for the proposed amendment to overcome the aforementioned objection.

REJECTIONS UNDER 35 U.S.C. § 102(b)

The Examiner has rejected independent claims 1, 11, and 20 under 35 U.S.C. § 102(b) "as being anticipated by U.S. Patent No. 6,128,279 (hereinafter O'Neil)." *Office Action*, 4. The Applicants respectfully traverse the rejections.

Claim 1, as amended, recites 'a service monitoring process that monitors a working status of the at least one platform service using interprocess communications; and a load balancing process that performs load balancing on received communications based on at least the working status of the at least one platform service, <u>the working status indicating whether the at least one platform service is running.</u>' Claims 11 and 20 have also been amended in a similar albeit contextually appropriate fashion.

The Examiner contends that 'the working status' in claim 1, for example, "is considered the working condition of the server," "checks, the load, operating capacity, and whether the load exceeds the predetermined level," as purportedly discussed in O'Neil. *Office Action*, 2-3. As discussed in Applicants' arguments of February 14, 2008 and in the specification of the present application at paragraphs [60]-[62], however, 'working status' of a platform service does not refer to load or load processing. Rather, working

status of a platform service may indicate whether the platform service is "RUNNING," "NOT RUNNING," or "STARTING," for instance.

Claims 1, 11, and 20 have, therefore, been amended to clarify that 'the working status' indicates 'whether the at least one platform service is running.' This amendment further overcomes the Examiner's contention "that the features upon which [the] applicant relies . . . are not recited in the rejected claim(s)." *Office Action*, 3. In light of this amendment, the Examiner remains unable to point to anything in O'Neil that teaches or discloses that 'the working status indicating whether the at least one platform service is running.' For this reason alone, the Applicants submit that O'Neil fails to anticipate independent claims 1, 11, and 20.

Claims 1, 11, and 20 each further provide for a 'load balancing process that performs load balancing on received communications based on at least the working status of the at least one platform service.' The Examiner contends that "O'Neil teaches of determining that the server exceeds an operating capacity" and "the working condition of the server." *Office Action*, 3. As clarified above, 'the working status' refers to 'whether the at least one platform service is running.' Because O'Neil does not disclose such a 'working status,' O'Neil therefore fails to disclose load balancing 'based on at least the working status.'

As such, the Applicants believe that O'Neil fails to anticipate the independent claims 1, 11, and 20. Further, because each of the dependent claims incorporates by reference all the limitations of the independent claim from which it depends, O'Neil also fails to anticipate (or render obvious) any claim dependent upon one of the aforementioned independent claims.

CONCLUSION

The Applicants have evidenced the failure of O'Neil—either alone or in any combination with Rao, Shanumgam., Le, Jordan, Kakemizu, or Brendel—to disclose all the elements of the independent claims 1, 11, and 20.

Any claim dependent upon one of the aforementioned independent claims—either directly or via an intermediate dependent claim—is allowable for at least the same reasons as the claim from which it depends. As such, each and every one of the dependent claims of the present application are also in condition for allowance.

As all rejections have been overcome, the Applicants contend the present application is in condition for allowance. The Applicants therefore respectfully request that the Examiner withdraw the finality of the rejections and issue a Notice of Allowance. The Examiner is invited to contact the Applicants' undersigned representative with any questions.

Respectfully submitted,
Chris A. Hopen et al.

August 14, 2008   By: /Tam Thanh Pham/
                                             Tam Thanh Pham (Reg. No. 50,565)
                                             CARR & FERRELL *LLP*
                                             2200 Geng Road
                                             Palo Alto, CA 94303
                                             T: 650.812.3400
                                             F: 650.812.3444